

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUACELL DUVON BRITT,
Plaintiff,
v.
WASHOE COUNTY JAIL,
Defendant.

Case No.: 2:22-cv-02068-GMN-BNW

ORDER
(ECF No. 3)

Pro se plaintiff Juacell Duvon Britt brings this civil-rights action under 42 U.S.C. § 1983, contending that his constitutional rights were violated when jailers were indifferent to his serious medical needs while he was detained at Washoe County Detention Facility. (ECF No. 1). Britt, who is no longer incarcerated or detained, applies to proceed *in forma pauperis* for a non-inmate. (ECF No. 3).¹ Based on the financial information provided, the Court finds that Britt is unable to pay the full \$350 filing fee for this action. So the Court grants Britt's application to proceed *in forma pauperis*.

But the Court cannot consider Britt's complaint because he did not personally sign it. "A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. Nevada Local Rule LSR 2-1 provides that "[a] civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court's form." And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a). The Court will grant Britt an extension of time to file a signed amended complaint.

It is therefore ordered that Britt's application to proceed *in forma pauperis* for a non-inmate (ECF No. 3) is GRANTED. Britt is permitted to maintain this action without paying the filing fee. And Britt will not be required to pay fees or costs or give security therefor.

¹ Britt also moves the Court to find and appoint him a free attorney. (ECF No. 9). The Court does not address that motion in this order.

1 It is further ordered that Britt will submit a signed first amended complaint to this Court
2 **on or before December 28, 2023.**

3 It is further ordered that if Britt chooses to file an amended complaint, he is advised that
4 an amended complaint replaces the original complaint, so the amended complaint must be
5 complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546
6 (9th Cir. 1989). This means the amended complaint must contain all claims, defendants, and
7 factual allegations that Britt wishes to pursue in this action. Thus, the submission of a mere
8 signature page will not be enough. Moreover, Britt should file the amended complaint on this
9 Court's approved civil-rights form, and it must be titled "First Amended Complaint."

10 Britt is cautioned that this action will be subject to dismissal without prejudice if he fails
11 to file a signed amended complaint **by December 28, 2023**. A dismissal without prejudice allows
12 the plaintiff to refile the case with the Court, under a new case number, when he can file a signed
13 complaint.

14 The Clerk of the Court is directed to send plaintiff Juacell Britt the approved form for filing
15 a 42 U.S.C. § 1983 complaint, instructions for the same, and a copy of his original complaint (ECF
16 No. 1) by delivering the same to Britt's physical address and, as a courtesy, to the email address
17 he provided: juacellbritt1@gmail.com. (*See* ECF No. 9 at 1).

18 DATED THIS 13th day of November 2023.

19
20
21 
22 BREND A WEKSLER
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28